

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**H T SMITH,**

**Plaintiff,**

**VS.**

**UNIT MANAGER KEN FARLEY,  
*et al.*,**

**Defendants.**

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**NO. 5:17-CV-00438-MTT-MSH**

**ORDER**

*Pro se* Plaintiff H.T. Smith, an inmate most recently confined at the Johnson State Prison in Wrightsville, Georgia, filed a Complaint seeking relief pursuant to 42 U.S.C. § 1983. On May 11, 2018, the United States Magistrate Judge ordered Plaintiff to submit a complete and proper motion for leave to proceed *in forma pauperis* and directed Plaintiff to supplement his Complaint. Plaintiff was also directed to inform the Court in writing of any change in his mailing address. Plaintiff was given twenty-one (21) days to comply, and he was warned that failure to comply may result in dismissal by the Court. Order, May 11, 2018, ECF No. 5.

The time for compliance passed without a response from Plaintiff. Accordingly, the Magistrate Judge ordered Plaintiff to respond and show cause why his lawsuit should not be dismissed for failure to comply with the Court's orders and instructions. Plaintiff was also reminded of his obligation to notify the Court of any change in his mailing address. Plaintiff was given twenty-one days to respond and warned that failure to respond would

result in the dismissal of his Complaint for failure to comply. Order, July 6, 2018, ECF No. 6.

The time for compliance has again passed without a response from Plaintiff, presumably because the Court's July 6, 2018 Order was returned to the Court as undeliverable and marked with a notation indicating Plaintiff had been released (ECF No. 7). Because Plaintiff has failed to comply with the Court's instructions and orders and otherwise failed to diligently prosecute his claims, Plaintiff's Complaint shall be **DISMISSED without prejudice**. See Fed. R. Civ. P. 41; see also *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing *Lopez v. Aransas Cnty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir.1978)).

**SO ORDERED**, this 4th day of September, 2018.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT